

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

RIDWAN SHAKUR

PLAINTIFF

V.

CASE NO. 4:13CV00431 SWW/BD

JOHN RANDALL, et al.

DEFENDANTS

ORDER

The Court has received a Recommended Disposition (“Recommendation”) filed by Magistrate Judge Beth Deere. After careful review of the Recommendation, Mr. Shakur’s timely objections, as well as a *de novo* review of the record, the Court concludes that the Recommendation should be, and hereby is, approved and adopted as this Court’s findings in all respects, with the exception that the Court finds that the doctrine of sovereign immunity is not applicable in this case.¹

IT IS THEREFORE ORDERED that Defendants Randall, Vincent, Douglas, Bowen, Hinton, Pruitt, Spaul, Huffman, Barden, Nester, Govia, Teel, Winters, and Williams’s motion for summary judgment (#101) is GRANTED. Pursuant to the

¹The Court agrees that Plaintiff’s official-capacity claims against Faulkner County Detention employees must be dismissed, but the Court disagrees that the claims are barred under the doctrine of sovereign immunity, which bars a suit for money damages against a state official unless Congress has abrogated the state’s immunity or the state consents to suit or waives its immunity. *See Edleman v. Jordan*, 415 U.S. 651, 663 (1974). Plaintiff brings claims against Faulkner County employees, not state officials, and his official-capacity claims are equivalent to claims against the County. *See Parrish v. Ball*, 594 F.3d 993, 997 (8th Cir.2010). A county may be liable under 42 U.S.C. § 1983 only where a policy or custom of the county was the moving force behind the constitutional violation at issue. *Id.*; *Jenkins v. County of Hennepin, Minn.*, 557 F.3d 628, 632 (8th Cir. 2009). Here, Plaintiff has failed to allege or come forward with evidence that a County policy or custom caused him injury.

judgment entered together with this order, this action is DISMISSED WITH
PREJUDICE.

IT IS SO ORDERED THIS 14TH DAY OF OCTOBER, 2014.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE